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10/565,905	01/25/2006	Kohci Yamaguchi	2005-2010A	7348
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EXAMINER				
HANCE, ROBERT J				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/565,905

Applicant(s)

YAMAGUCHI ET AL.

Examiner

ROBERT HANCE

Art Unit

2421

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-7,9-13,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-7,9-13,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/09/2009 has been entered.

Response to Arguments

1. Applicant's arguments filed 03/09/2009 have been fully considered but they are not persuasive.

Applicant argues on pages 12-13 of the Remarks that the forced advertisements of Corvin do not correspond to a "limit flag" as recited in amended claim 1. Examiner respectfully disagrees. Corvin discloses in [0028] and Fig. 4 that a forced advertisement is received, identified and displayed. The forced advertisement is identified based upon a designation such as "programming tags or data or close captioning data," etc. This designation is a "limit flag" which triggers the forced display of the advertisement.

Applicant argues on pages 13-14 of the Remarks that the combination of Kwoh and Corvin fail to disclose the features of claim 1 as amended. Examiner respectfully

disagrees. In the broadest reasonable interpretation of amended claim 1, judgment of whether or not to display the broadcast content is based on whether or not the predetermined function is activated, and occurs "before the limit flag is received." In the combined system of Kwoh and Corvin, the contents are blocked when the blocking function is enabled (i.e. a predetermined function is activated), and the contents are displayed when this function is disabled. The system functions in this way before a forced advertisement (and therefore a limit flag) is received. Therefore the combined system of Kwoh and Corvin meets the above-noted limitation of amended claim 1.

Further, the combined system of Kwoh and Corvin disclose "wherein said function processing unit is further operable to cause, when the predetermined function has been activated, said display unit to display a function processing image generated by the predetermined function instead of the broadcast contents." When the blocking function is enabled (i.e. the predetermined function has been activated), an outline is displayed in place of the broadcast content. This outline is an "function processing image" since it is an image which indicates to the user that the blocking function is processing.

Regarding Applicant's arguments on pages 15-16 with respect to claims 15 and 16, Examiner respectfully disagrees for reasons stated above.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 9, 12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh et al., US Patent No 6,115,057 in view of Corvin, US Pub No. 2001/0054181.

As to claim 1 Kwoh et al. disclose a broadcast receiving terminal which receives a broadcast wave and displays broadcast contents (Fig. 1: 43, 45),

wherein the broadcast wave includes stream information indicating broadcast contents, and outline information indicating an outline of the broadcast contents (Fig. 23: 666, 667; col. 11 lines 13-21; col. 15 line 53 – col. 16 line 6), and

said broadcast receiving terminal comprises: a receiving unit operable to receive the broadcast wave (Fig. 1: 43);

a display unit operable to display the broadcast contents (Fig. 1: 45);

a judging unit operable to judge, based on a user's operation, whether or not the broadcast contents should be displayed (Fig. 1: 40; col. 11 lines 59-64);

a display control unit operable to perform image processing on the stream information of the broadcast wave received by said receiving unit, and to cause said display unit to display the broadcast contents, when said judging unit judges that the broadcast contents should be displayed (Fig. 1; col. 10 lines 58-66); and

an outline presentation unit operable to present the outline, so that the outline synchronizes with the broadcast contents, which is indicated by the outline information

transmitted by the broadcast wave received by said receiving unit, when said judging unit judges that the broadcast contents should not be displayed (col. 1 line 60 – col. 2 line 5; Figs. 32a-32d).

a function processing unit operable to activate and terminate a predetermined function based on a user's operation (Figs. 7-11),

wherein said judging unit is operable to:

judge that the broadcast contents should not be displayed, when the predetermined function is activated, and to judge that the broadcast contents should be displayed, when the predetermined function is terminated (Kwoh Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), and

wherein said function processing unit is further operable to cause, when the predetermined function has been activated, said display unit to display a function processing image generated by the predetermined function instead of the broadcast contents (Figs. 32a-32d - when the blocking function is enabled (i.e. the predetermined function has been activated), an outline is displayed in place of the broadcast content. This outline is an "function processing image" since it is an image indicating to the user that the blocking function is processing).

Kwoh fails to disclose wherein the broadcast wave includes a limit flag which limits judgment of said judging unit, and wherein said judging unit is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents indicated by the stream information

should be continuously displayed after the reception of the limit information regardless of a user's operation, and that the judgment of whether or not to displayed the broadcast contents occurs before the limit flag is received.

However, in an analogous art, Corvin discloses receiving a limit flag which limits the control of a display device ([0015] and [0028] – the designations in the stream identifying forced advertisements are limit flags), and wherein a judging unit (Fig. 1: 15; [0018] - STB) is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents should be continuously displayed after the reception of the limit information regardless of a user's operation (Abs; [0028]; claims 9 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kwoh with the teachings of Corvin. The rationale for this modification would have been to ensure that certain broadcast programming is viewed by disabling channel changes. In the combined system of Kwoh and Corvin, the contents are blocked when the blocking function is enabled (i.e. a predetermined function is activated), and the contents are displayed when this function is disabled. The system functions in this way before a forced advertisement (and therefore a limit flag) is received.

As to claim 3 the combined system of Kwoh and Corvin disclose the broadcast receiving terminal according to claim 1, wherein said outline presentation unit is operable to cause said display unit to display the outline as a character string (Kwoh Figs. 32a-32d).

As to claim 4 the combined system of Kwoh and Corvin disclose the broadcast receiving terminal according to claim 3, wherein said display unit has a first display area, and a second display area smaller than the first display area, said display control unit is operable to display the broadcast contents in the first display area, and said outline presentation unit is operable to display the outline in the second display area (Kwoh Figs. 32a-32d – first display area is the entire television screen, and second display area, smaller than the first display area, is the area in which the text is displayed).

As to claim 5 the combined system of Kwoh and Corvin disclose the broadcast receiving terminal according to claim 1, wherein said outline presentation unit is operable to notify the user of the outline indicated by the outline information with a voice (Kwoh col. 16 lines 30-34).

As to claim 9 the combined system of Kwoh and Corvin disclose the broadcast receiving terminal according to claim 1, further comprising a reception unit operable to receive an instruction to display/not display the broadcast contents, based on the user's operation (Kwoh Fig. 1: 32; 40; Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), wherein said judging unit is operable to judge that the broadcast contents should be displayed, when an instruction to display is received by said reception unit, and operable to judge that the broadcast contents should not be displayed, when an instruction not to display is received by said reception unit (Kwoh col. 3 line 53 – col. 4 line 24: parental control circuitry is controlled by user input; col. 11 lines 59-64).

As to claim 12 the combined system of Kwoh and Corvin disclose a broadcast apparatus which transmits a broadcast wave (Kwoh Fig. 20), said broadcast apparatus comprising:

an outline information generating unit operable to generate an outline information indicating an outline of broadcast contents of the broadcast wave (Kwoh col. 14 line 66 – col. 15 line 21); and

a transmission unit operable to transmit the outline information on the broadcast wave so that the outline indicated by the outline information is synchronized with the broadcast contents (Kwoh Fig. 30; Fig. 23-24, 27-28 – outline information is inserted into the VBI along with broadcast contents at the times according to when it is to be displayed, therefore the two are synchronized),

wherein said transmission unit is operable to transmit, included in the broadcast wave, a limit flag (Corvin [0028] – a designation identifying a forced advertisement is a limit flag) which imposes a limitation on a display of a broadcast contents so that the display of the broadcast content is forced to continue (Corvin Abs; claims 9 and 11).

As to claim 15 Kwoh et al. disclose a broadcast receiving method of receiving a broadcast wave and displaying broadcast contents (Fig. 1: 43, 45),

wherein the broadcast wave includes stream information indicating broadcast contents, and outline information indicating an outline of the broadcast contents (Fig. 23: 666, 667; col. 11 lines 13-21; col. 15 line 53 – col. 16 line 6), and

wherein said broadcast receiving method comprises: a receiving step of receiving the broadcast wave (Fig. 1: 43);

a judging step of judging whether or not the broadcast contents should be displayed based on a user's operation (Fig. 1: 40; col. 11 lines 59-64);

a display unit operable to display the broadcast contents (Fig. 1: 45);

a display control step of executing an image processing on the stream information of the broadcast wave received in said receiving step and causing said broadcast contents to be displayed on a display unit, when it is judged, in said judging step, that the broadcast contents should be displayed (Fig. 1; col. 10 lines 58-66); and

an outline presentation step of presenting the outline, which is indicated by the outline information received in said receiving step, so that the outline synchronizes with the broadcast contents, when it is judged, in said judging step, that the broadcast contents should not be displayed (col. 1 line 60 – col. 2 line 5; Figs. 32a-32d), and

a function processing step of activating and terminating a predetermined function based on a user's operation (Figs. 7-11),

wherein in said judging step:

when the predetermined function is activated, it is judged that the broadcast contents should not be displayed, and when the predetermined function is terminated, it is judged that the broadcast contents should be displayed (Kwoh Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), and

wherein in said function processing step, when the predetermined function has been activated, said display unit is caused to display a function processing image generated by the predetermined function instead of the broadcast contents (Figs. 32a-32d - when the blocking function is enabled (i.e. the predetermined function has been activated), an outline is displayed in place of the broadcast content. This outline is an "function processing image" since it is an image indicating to the user that the blocking function is processing).

Kwoh fails to disclose wherein the broadcast wave includes a limit flag which limits judgment of said judging unit, and wherein said judging unit is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents indicated by the stream information should be continuously displayed after the reception of the limit information regardless of a user's operation, and that the judgment of whether or not to displayed the broadcast contents occurs before the limit flag is received.

However, in an analogous art, Corvin discloses receiving a limit flag which limits the control of a display device ([0015] and [0028] – the designations in the stream identifying forced advertisements are limit flags), and wherein a judging unit (Fig. 1: 15; [0018] - STB) is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents should be continuously displayed after the reception of the limit information regardless of a user's operation (Abs; [0028]; claims 9 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kwoh with the teachings of Corvin. The rationale for this modification would have been to ensure that certain broadcast programming is viewed by disabling channel changes. In the combined system of Kwoh and Corvin, the contents are blocked when the blocking function is enabled (i.e. a predetermined function is activated), and the contents are displayed when this function is disabled. The system functions in this way before a forced advertisement (and therefore a limit flag) is received.

As to claim 16 Kwoh et al. disclose a program recorded on a computer-readable recording medium, for receiving a broadcast wave and displaying broadcast contents (Fig. 1: 43, 45),

wherein the broadcast wave includes stream information indicating broadcast contents, and outline information indicating an outline of the broadcast contents (Fig. 23: 666, 667; col. 11 lines 13-21; col. 15 line 53 – col. 16 line 6), and

wherein said broadcast receiving method comprises: a receiving step of receiving the broadcast wave (Fig. 1: 43);

a judging step of judging whether or not the broadcast contents should be displayed based on a user's operation (Fig. 1: 40; col. 11 lines 59-64);

a display unit operable to display the broadcast contents (Fig. 1: 45);

a display control step of executing an image processing on the stream information of the broadcast wave received in said receiving step and causing said

broadcast contents to be displayed on a display unit, when it is judged, in said judging step, that the broadcast contents should be displayed (Fig. 1; col. 10 lines 58-66); and

an outline presentation step of presenting the outline, which is indicated by the outline information received in said receiving step, so that the outline synchronizes with the broadcast contents, when it is judged, in said judging step, that the broadcast contents should not be displayed (col. 1 line 60 – col. 2 line 5; Figs. 32a-32d), and

a function processing step of activating and terminating a predetermined function based on a user's operation (Figs. 7-11),

wherein in said judging step:

when the predetermined function is activated, it is judged that the broadcast contents should not be displayed, and when the predetermined function is terminated, it is judged that the broadcast contents should be displayed (Kwoh Fig. 11; col. 15 line 53 – col. 16 line 29; user is given the option to enable and disable the blocking function), and

wherein in said function processing step, when the predetermined function has been activated, said display unit is caused to display a function processing image generated by the predetermined function instead of the broadcast contents (Figs. 32a-32d - when the blocking function is enabled (i.e. the predetermined function has been activated), an outline is displayed in place of the broadcast content. This outline is an "function processing image" since it is an image indicating to the user that the blocking function is processing).

Kwoh fails to disclose wherein the broadcast wave includes a limit flag which limits judgment of said judging unit, and wherein said judging unit is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents indicated by the stream information should be continuously displayed after the reception of the limit information regardless of a user's operation, and that the judgment of whether or not to displayed the broadcast contents occurs before the limit flag is received.

However, in an analogous art, Corvin discloses receiving a limit flag which limits the control of a display device ([0015] and [0028] – the designations in the stream identifying forced advertisements are limit flags), and wherein a judging unit (Fig. 1: 15; [0018] - STB) is operable to judge, when said receiving unit receives the limit flag while said display unit displays the broadcast contents, that the broadcast contents should be continuously displayed after the reception of the limit information regardless of a user's operation (Abs; [0028]; claims 9 and 11).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the invention of Kwoh with the teachings of Corvin. The rationale for this modification would have been to ensure that certain broadcast programming is viewed by disabling channel changes. In the combined system of Kwoh and Corvin, the contents are blocked when the blocking function is enabled (i.e. a predetermined function is activated), and the contents are displayed when this function is disabled. The system functions in this way before a forced advertisement (and therefore a limit flag) is received.

3. Claims 6 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh and Corvin as applied to claims 1 and 12 above, and further in view of Tsukagoshi, US Patent No 5,684,542.

As to claims 6 and 13 the combined system of Kwoh and Corvin fail to disclose that the outline information includes time information indicating the time when the outline should be presented, and said outline presentation unit is operable to present the outline when the present time matches the time indicated by the time information.

However, in an analogous art, Tsukagoshi discloses including time information with text information which is to be displayed along with broadcast content (col. 11 line 65 - col. 12 line 16).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of Tsukagoshi. The rationale for this combination would have been to synchronize text and broadcast data when the broadcast is digital, and thus embedding the text in the VBI is not possible. In this situation, including time information with the text would be necessary for the system of Kwoh et al. to work.

4. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh and Corvin as applied to claim 2 above, and further in view of Palmer, US Patent No 5,195,135.

As to claim 7 the combined system of Kwoh and Corvin fail to disclose the broadcast receiving terminal according to claim 1, wherein said outline presentation unit is further operable to perform image processing on the stream information of the broadcast wave received by said receiving unit, and to cause said display unit to display a moving picture with a lower image quality than the broadcast contents displayed by said display control unit, when said judging unit judges that broadcast contents should not be displayed.

However, in an analogous art, Palmer discloses censoring a video image by displaying the image with a lower image quality when it is decided that censorship is desired (col. 3 lines 3-41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of Palmer. The motivation for this combination would have been to create a more visually pleasing censoring technique (see Palmer Abstract).

5. Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kwoh and Corvin as applied to claim 1 above, and further in view of Lee et al., US Pub No 2001/0049296.

As to claim 10 the combined system of Kwoh and Corvin fail to disclose the broadcast receiving terminal according to claim 1, wherein said broadcast receiving

terminal is configured in first and second forms, which can be switched between in accordance with a user's operation; and said judging unit is operable to judge that the broadcast contents should be displayed, when said broadcast receiving terminal is in the first form, and to judge that the broadcast contents should not be displayed, when said broadcast receiving terminal is in the second form.

However, in an analogous art, Lee et al. disclose a receiving terminal that is configured in two forms, where the information displayed on the terminal changes when the user changes the form of the terminal (Abstract, Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of Lee et al. to display the text summary of the broadcast when the terminal is in a first form, and to display the full video of the broadcast when the terminal is in a second form. The rationale for this combination would have been to allow a user to follow a broadcast program regardless of whether the terminal is in an open or closed state.

As to claim 11 the combined system of Kwoh and Corvin fail to disclose the broadcast receiving terminal according to claim 10, wherein said display unit includes a first display unit, which appears on the surface when said broadcast receiving terminal is in the first form, and a second display unit, which appears on the surface when said broadcast receiving terminal is in the second form, said display control unit is operable to cause said first display unit to display the broadcast contents, and said outline presentation unit is operable to cause said second display unit to display the outline.

However, in an analogous art, Lee et al. disclose a device which has a first display unit which appears on the surface when the device is in a first form and a second display unit which appears on the surface when the device is in a second form (Fig. 3C: 30a and 30b), and the information displayed on the display devices depends on the form of the device (Fig. 6; Abstract); and a receiving terminal that is configured in two forms, where the information displayed on the terminal changes when the user changes the form of the terminal (Abstract, Fig. 6).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combined system of Kwoh and Corvin with the teachings of Lee et al. to display the text summary of the broadcast when the terminal is in a first form, and to display the full video of the broadcast when the terminal is in a second form. The rationale for this combination would have been to allow a user to follow a broadcast program regardless of whether the terminal is in an open or closed state.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT HANCE whose telephone number is (571)270-5319. The examiner can normally be reached on M-F 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John W. Miller/
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